

REMARKS

Upon entry of the present amendment, claims 1-2 and 4 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendment to the claims does not incorporate new matter into the application as originally filed. Claims 1 and 2 are amended to recite that both the water soluble polymer and the water soluble salt are near the surface, rather than in the alternative.

The amendment to the specification is editorial and merely makes corrections that are suggested by the Examiner on page 2 of the Office Action.

Entry of the present amendment is respectfully requested.

Specification/Priority

At page 2 of the Office Action, the Examiner objects to certain informalities in the specification.

The amendments to the specification suggested by the Examiner have been made. It is respectfully requested that this objection now be withdrawn.

Claim Rejections Under 35 USC § 103(a)

At page 3 of the Office Action, claims 1, 2 and 4 have been rejected under 35 USC § 103(a) as unpatentable over Davies et al. (EP 0 711 828). For the following reasons, this rejection is respectfully traversed.

At page 7 of the Office Action, and in response to the Applicants' previous arguments, the Examiner asserts that the mention of spraying of polyethylene glycol onto the base powder in Example 1 of Davies, meets the limitation in present claim 1 of a "base particle having a localized structure in which larger amounts of the water-soluble polymer . . . is present near the surface of the base particle rather than in the inner portion thereof."

However, Davies nowhere suggests particles that have a localized structure wherein larger amounts of the water soluble polymer and water soluble salt are present near the surface of the particle. In Example 4, Davies mentions that polyethylene glycol particles are sprayed onto the surface of the base particles. Davies makes no mention of the spray drying of a water soluble salt.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP §2143.04. Since Davies does not mention the spray drying of a water soluble salt, there is no basis for a presumption that a water soluble salt is near the surface in larger amounts than in the inner portion in the particles of Davies. Therefore Davies does not teach all of the limitations of claim 1, and cannot render claim 1 obvious.

With regard to the water soluble polymer, the MPEP states that when considering whether a particular limitation is implicit in the teaching of a reference "it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." MPEP §2144.01

It is respectfully submitted that one skilled in the art could not reasonably draw the inference that the water soluble polymer component in Davies is near the surface in larger amounts than in the inner portion of the tablet as recited in the present claim 1. As thoroughly discussed in the present specification, the localized structure of the presently claimed particles is a complex result of the drying process, see specification, page 32, line 15 to page 33, line 4, as well as the components, and their solubilities in water, of the slurry of step I. See specification page 30, line 1 to page 32, line 12.

Accordingly it is not reasonable to assume that the localized structure presently claimed would be present necessarily in the particles of Davies from the single statement in Example 1 that polyethylene glycol is sprayed onto the base powder.

Also, the other limitations of claim 1 relating to a bubble that forms upon dissolution, and the dissolution rate, cannot be inferred as being present in the particles of Davies since, again, Davies does not teach the spray drying of a water soluble salt. There is no basis in Davies for an inference that all of the present claim limitations are met.

Accordingly, it is respectfully asserted that in light of the present claim amendment, and the comments given above, this rejection should be withdrawn.

At page 4 of the Office Action, claims 1, 2 and 4 are rejected under 35 U.S.C. §103(a) as unpatentable over Fry et al. (U.S. Patent No. 5,225,100). For the following reasons, this rejection is respectfully traversed.

Fry, like Davies, does not disclose or suggest the spray drying of a water soluble salt in the preparation of their particles. Accordingly, for the same reasons as discussed above for Davies, there is no basis in Fry for the inference that a localized structure is present in their particles that is similar to that of the particles of the present claims.

In addition, the other limitations of claim 1 relating to the bubble that forms upon dissolution, and the dissolution rate, cannot be inferred as present in the particles of Fry, since Fry does not teach the spray drying of a water soluble salt.

Since Fry does not teach or disclose all of the limitations of claim 1, Fry cannot render the present claims obvious under 35 U.S.C. §103(a). It is respectfully requested that, in light of the amended claims and the above comments, this rejection be withdrawn.

Claims 1, 2, and 4 are rejected under 35 U.S.C. §103(a) over Seiter et al. (U.S. Patent No. 4,707,290). For the following reasons, this rejection is respectfully traversed.

Seiter does not disclose detergent particles, but a granular absorbent. Seiter does not disclose the spray drying of a water soluble polymer or a water soluble salt at all. As discussed at length in the Applicants' specification, the drying process is important to the production of particles with the characteristics recited in claim 1. See Applicants' specification, starting at page 30, line 10.

Since Seiter does not disclose or suggest the spray drying of the water soluble polymer or the water soluble salt, the particles of Seiter do not have the same structure as the inventive particles, and as such, the particles of Seiter cannot meet all of the claim limitations of the

present invention. Furthermore, there is no disclosure in Seiter of the claim limitations that relate to bubble formation, nor the dissolution rate of the present claims.

Accordingly, in light of the amended claims and the above comments, it is respectfully requested that this rejection be withdrawn.

Claims 1, 2, and 4 are rejected under 35 U.S.C. §103(a) over Seiter et al. (U.S. Patent No. 4,707,290) in view of Fry (U.S. Patent No. 5,225,100). For the following reasons, this rejection is respectfully traversed.

Neither Seiter nor Fry disclose or suggest the spray drying of a water soluble salt in the preparation of their particles. Accordingly, for the same reasons as discussed above for Davies, there is no basis in either Seiter or Fry for the inference that a localized structure is present in their particles that is similar to that of the particles of the present claims.

In addition, the other limitations of claim 1 relating to the bubble that forms upon dissolution, and the dissolution rate, cannot be inferred as being present in the particles of Fry or Seiter, since they do not teach the spray drying of a water soluble salt.

In view of the amended claims, and the above comments, it is respectfully requested that this rejection be withdrawn.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims 1-2 and 4 are allowable at present.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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